

REMARKS

This application pertains to a novel self-adhesive article for mechanical protection of painted plastic mounted parts of automobiles.

Claims 1 and 3-19 are pending; Claim 2 being cancelled by this amendment. The limitations of Claim 2 have been added to Claim 1.

Applicants' claims are directed to a novel self-adhesive article comprising a film-form material having a Young's modulus of less than 300 N/mm<sup>2</sup> laminated with a layer of knitted fabric.

This combination of a knitted fabric and a film having a Young's modulus of less than 300 N/mm<sup>2</sup> produces an article that can be applied to curved surfaces of plastic with little creasing. The novel article is characterized by excellent resistance to frictional loads and minor impacts, exceeding that of a woven fabric of analogous basis weight.

Claim 19 stands objected to as no antecedent basis can be found for the word "fibers". Claim 19 was derived from the second limitation in original claim 5, and should have recited --film--, and not fiber. This has now been corrected, and the objection should be withdrawn.

Claims 1-21 stand rejected under 35 USC 103(a) as obvious over Inoue (EP 0 959 119 A) in view of Gobran (US 5,547,766).

The Examiner sees Inoue as disclosing a masking tape for automobiles, having a non-woven top layer on a polymer substrate with a PSA bottom coating. Gobran, on the other hand, is viewed by the Examiner as teaching that knit, woven and non-woven layers can be used on top of "the" polymer substrate. From Gobran, the Examiner reaches the conclusion that a knit or woven layer are equivalent to a non-woven layer, and that therefore it would be obvious to substitute a knit layer for Inoue's non-woven. This, in the Examiner's opinion, would arrive at Applicants' invention.

A fair reading of the details will show that it would not be obvious to substitute Gobran's knit for Inoue's non-woven and, in addition, that even if this were done, Applicants' invention would not be arrived at.

If the Examiner will direct his attention to the paragraph 0010 of the Inoue reference, he will see that Inoue's non-woven relies on the "high flexibility and appropriate stretch tolerance of the non-woven fabric" for the success of his invention.

Inoue also teaches that the lamination of the film on to the non-woven "can achieve a desired durability while sustaining the above-mentioned follow-up performance."

Inoue is specifically concerned with a "protecting sheet" to adhere to a painted surface.

Gobran, on the other hand, is specifically concerned with a non-yellowing pressure sensitive adhesive tape. The adhesive tape comprises at least a thermoplastic polymer

layer and a fibrous web layer. The fibrous web can be a non-woven, knit, stitch-bonded or woven.

The yellowing problem which Gobran solves is particularly related to polypropylene-type resin film layers and synthetic block copolymer pressure sensitive adhesive composition (column 1, lines 17-22).

Gobran solves the yellowing problem by adding a specific additive package to the polypropylene film layer.

Gobran does not, however, at any point discuss any of the stretch characteristics of his woven, non-woven, knit or stitch-bonded web materials.

Inoue relies on his non-woven material for its specific "appropriate stretch tolerance." Stretch tolerance is not a consideration in the Gobran reference, and no person skilled in the art would expect that any of Gobran's woven, knitted or stitch bonded webs would have the same "stretch tolerance" as a non-woven.

Moreover, contrary to the Examiner's conclusion, nowhere does Gobran ever teach or suggest that woven, non-woven, knit and stretch bonded webs are equivalent for any purpose. All Gobran mentions is that each of them could be used as a backing for an adhesive tape. Nowhere, however, does Gobran teach or suggest that each of the resulting adhesive tapes would be "equivalent". To the contrary, those skilled in the art would know that each of said adhesive tapes would be different.

Knowing that the particular backing used in a tape will bring about specific characteristics of the adhesive tape, no person skilled in the art would ever substitute a woven or knit web for a non-woven web in a use for which the characteristics of the non-woven were relied upon for special properties, such as Inoue relies on his non-woven.

It is also to be recognized that Inoue is concerned with a protective sheet for automobiles, whereas Gobran is concerned with what appears to be "ordinary" adhesive tapes. Nothing can be learned from Gobran about a protective sheet for painted surfaces, and no person skilled in the art would find anything in Gobran which could be used in Inoue's invention, because each is intended for a completely different use and Inoue's protective sheet must meet specific demands which would have no relevance at all in Gobran.

So, no person skilled in the art would ever look to Gobran for anything that would be combinable with Inoue. Even if they did, they would not see any suggestion that a knit could be substituted for Inoue's non-woven.

Even if Gobran's knit were substituted for Inoue's non-woven, Applicants' novel protective sheet would not be arrived at.

Note that Applicants combine their knit web with a film which must have a Young's modulus of less than 300 N/mm<sup>2</sup>.

If the Examiner will turn his attention to the paragraph beginning with "Suitable

materials for the backing film..." at the bottom of page 3 of Applicants' specification, as well as the paragraph bridging pages 3 and 4, he will see a representative list of the polymers that can meet the Young's modulus requirement. The Examiner will note that although copolymers of ethylene and propylene are mentioned, polypropylene is not.

Both Inoue and Gobran, by contrast, exemplify their invention with polypropylene films. See Inoue's examples. See also Gobran, column 1, lines 25-27.

Therefore, at best, even a forced combination of Gobran with Inoue would only result in a protective sheet based on a polypropylene; and nothing in either reference teaches or suggests that such a polypropylene would have the Young's modulus that Applicants require. Nothing in either reference would ever suggest that a particular Young's modulus is even a consideration. Therefore, there is no way that any person skilled in the art would ever realize that a certain Young's modulus was required, and such a person would also have no way to achieve that Young's modulus.

Note Applicants' Comparative Example 1, where high density polyethylene having a Young's modulus of 850 N/mm<sup>2</sup> was used. The results shown on page 13 of Applicants' specification show that the protective article made with the high density polyethylene performed very poorly in the crease test.

Clearly, in the absence of any guidance in the reference regarding Young's modulus, it would simply be impossible to arrive at Applicants' invention from the teachings of Inoue and Gobran.

In this regard, it is respectfully pointed out that polypropylene is generally highly crystalline and correspondingly hard, and cannot meet Applicants' Young's modulus requirement.

The Examiner is also reminded that Gobran uses a fibrous web layer; whereas Applicants' use knitted fabrics, which are different than fibrous webs.

The rejection of Claims 1-21 under 35 USC 103(a) as obvious over Inoue in view of Gobran should accordingly now be withdrawn.

In view of the present amendments and remarks it is believed that Claims 1 and 3-21 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

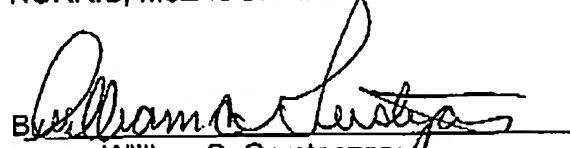
If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted

NORRIS, McLAUGHLIN & MARCUS

  
B William C. Gerstenzang  
William C. Gerstenzang  
Reg. No. 27,552

WCG/jh  
220 East 42nd Street  
30th Floor  
New York, New York 10017  
(212) 808-0700

I hereby certify that this correspondence is being transmitted via facsimile, no. 703-872-9310 to the United States Patent and Trademark Office, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 6, 2003.

By Julie Harting  
Julie Harting

Date November 6, 2003